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Convention to Combat Desertification

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CONFERENCE OF THE PARTIES
Fourth session
Bonn, 11-22 December 2000
Item 12 (a) of the provisional agenda[1]

OUTSTANDING ITEMS

(a) CONSIDERATION OF RULE 47 OF THE RULES OF PROCEDURE

Note by the secretariat

1. At its second session, the Conference of the Parties (COP), by decision 21/COP.2,[2] decided to replace the marginal note, the title and paragraph 1 of rule 47 of the rules of procedure by the text reproduced in the annex, and requested the secretariat to include consideration of this outstanding rule of procedure on the agenda of its third session.

2. The secretariat transmitted, annexed to ICCD/COP(3)/13, the text of rule 47 of the rules of procedure of the Conference of the Parties, as amended by decision 21/COP.2.

3. By decision 19/COP.3,[3] the Conference of the Parties requested the President of the Conference of the Parties at its third session to continue consultations on the outstanding issue related to rule 47 of the rules of procedure and to report on the result of his consultations to the Conference of the Parties at its fourth session.

4. By the same decision, the Conference of the Parties also requested the secretariat to include consideration of this outstanding rule of procedure on the agenda of its fourth session.

5. The secretariat has received only one submission, dated 8 June 2000, from the Government of Portugal on behalf of the European Community and its member States.

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[1] ICCP/COP(4)/1.

[2] For decisions of the Conference of the Parties at its second session, see ICCD/COP(2)/14/Add.1.

[3] For decisions of the Conference of the Parties at its third session, see ICCD/COP(3)/20/Add.1.

6. That submission states that: "(a) The European Community also notes the outstanding issue of voting under Rule 47 of the Rules of Procedure. We do not believe that a disproportionate amount of the time available at COP 4 should be spent on this issue. We consider that, if there is discussion of the issue at COP 4 and if resolution cannot be achieved quickly, the matter should be postponed for consideration at COP 5; (b) The European Union would be prepared to resolve the issue on the basis that, if all efforts to reach consensus have been exhausted, decisions on matters of substance should be taken by a two-thirds majority vote, except for decisions under Article 21, Article 22.2(g) and, save where otherwise provided by the Convention, the financial rules and the Rules of Procedure themselves, when the decisions should be taken by consensus."

7. The annex to the present document contains the text of rule 47 of the rules of procedure as amended by decision 21/COP.2.

Annex

TEXT OF RULE 47 OF THE RULES OF PROCEDURE OF THE CONFERENCE OF THE PARTIES, AS AMENDED BY DECISION 21/COP.2

"*Majority required*

Rule 47

"1. [The Parties shall make every effort to reach agreement on all matters of substance by consensus. If all efforts to reach consensus have been exhausted and no agreement has been reached, the decision shall, as a last resort, be taken by [a simple majority vote] [a two-thirds majority vote] of the Parties present and voting, [except for decisions taken under article 21 [and article 22, paragraph 2(g)] of the Convention which shall be agreed upon by consensus, or] [unless otherwise provided by

"(a) the Convention;

"(b) the financial rules referred to in article 22, paragraph 2(e) of the Convention; or

"(c) the present rules of procedure.]]"

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